

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

360 N. Rodeo Drive, LP,

Plaintiff,

-against-

WELLS FARGO BANK, NATIONAL  
ASSOCIATION et al.,

Defendants.

22-cv-767 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

As discussed on the record at the July 10 conference:

- Both of Defendants' motions in limine are GRANTED. As to the first motion in limine, the witness was neither disclosed nor qualified as an expert, so his opinion testimony is not admissible as to the value of the property. It may still come in for another purpose. The second motion in limine was unopposed.
- Defendants' *Daubert* motion is DENIED WITHOUT PREJUDICE. As noted at the conference, only reliability is at issue, and the Court may evaluate that question after hearing the evidence given that this will be a bench trial. *See Passman v. Peloton Interactive, Inc.*, 671 F. Supp. 3d 417, 433–34 (S.D.N.Y. 2023).
- By July 12, 2024, at 5:00 p.m., Defendants shall submit a brief, not to exceed fifteen double-spaced pages, addressing the availability of consequential damages in this case. By July 17, 2024, at 5:00 p.m., Plaintiff shall submit a responsive brief, not to exceed fifteen double-spaced pages.
- The parties should meet and confer to resolve exhibit objections and agree to pre-admit certain exhibits. To the extent that major issues remain unresolved, the parties should submit a joint letter detailing those issues by July 19, 2024, at 5:00 p.m.
- The Clerk of Court is directed to close Dkts. 78 and 103.

SO ORDERED.

Dated: July 10, 2024

New York, New York



ARUN SUBRAMANIAN  
United States District Judge